

# **EXHIBIT B**

**From:** [Wakefield, Jeff](#)  
**To:** [Andrew L. Ellis](#)  
**Cc:** [Han, Anna](#); [Dove, Ronald](#); [Mincer, Jonathan](#); [Flahive Wu, Laura](#); [Katherine A. Schultz](#); [Cassandra L. Means](#)  
**Subject:** Re: PEIA Subpoenas - SDWV cases: 3:17-01362; 3:17-01665  
**Date:** Friday, March 27, 2020 9:28:16 AM

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**[EXTERNAL]**

Drew,

In follow up to our call this morning, please be advised that McKesson agrees to extend the return date for the subpoenas served upon the PEIA to April 18, 2020. As I explained, the original dates set forth in the subpoenas were placeholder dates with the expectation that alternate return dates would be set following dialogue with the served parties after service of the subpoenas.

Jeff

**Jeffrey Wakefield**

Member

**Flaherty**

[304.347.4231](#)

On Mar 27, 2020, at 10:56 AM, Andrew L. Ellis <[Andrew.L.Ellis@wvago.gov](mailto:Andrew.L.Ellis@wvago.gov)> wrote:

Got it, thanks!

Sent via iPhone

Andrew L. Ellis

On Mar 27, 2020, at 10:26 AM, Wakefield, Jeff <[JWakefield@flahertylegal.com](mailto:JWakefield@flahertylegal.com)> wrote:

Call in number

1-800-969-3546  
427572

**Jeffrey M. Wakefield**

Member

**Flaherty**

[304.347.4231](#)

On Mar 27, 2020, at 9:15 AM, Andrew L. Ellis  
<Andrew.L.Ellis@wvago.gov> wrote:

Jeff:

Sounds good. We will await call instructions, and look forward to speaking with everyone today at 11:30 a.m.

Drew

Sent via iPhone

Andrew L. Ellis

On Mar 26, 2020, at 8:00 PM, Wakefield,  
Jeff <JWakefield@flahertylegal.com>  
wrote:

Let's talk at 11:30. I'll circulate a call in number.

**Jeffrey Wakefield**

Member

**Flaherty**

304.347.4231

On Mar 26, 2020, at 7:34 PM,  
Andrew L. Ellis  
<Andrew.L.Ellis@wvago.gov>  
wrote:

Jeff:

That is odd, I did not receive a voicemail from you. What number did you call and leave a voicemail on?

At any rate, for a conference call tomorrow, 10:00 a.m. - 1:00 p.m.

works, and we would prefer 4:00 p.m. - 5:00 p.m.

Let us know your preference, and please circulate dial-instructions.

Thanks,

Drew

Andrew L. Ellis  
Assistant Attorney General  
Office of the Attorney General  
State Capitol Complex  
Building 1, Room W435  
Charleston, West Virginia 25305  
(304) 558-2522  
[Andrew.L.Ellis@wvago.gov](mailto:Andrew.L.Ellis@wvago.gov)

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**From:** Wakefield, Jeff  
<JWakefield@flahertylegal.com>  
**Sent:** Thursday, March 26, 2020  
6:15 PM  
**To:** Andrew L. Ellis  
<Andrew.L.Ellis@wvago.gov>  
**Cc:** Anna Han <AHan@cov.com>;  
Ronald Dove <rdove@cov.com>;  
Jonathan Mincer  
<JMincer@cov.com>; Laura  
Flahive Wu  
<lflahivewu@cov.com>  
**Subject:** Re: PEIA Subpoenas -  
SDWV cases: 3:17-01362; 3:17-  
01665

Drew,

I left a voicemail this afternoon at the number I thought was left on my voicemail.

I'd like to set up a call tomorrow to discuss the subpoenas and the

constant of your e-mail. I would like to include my colleagues from Covington & Burling. Can you give me some times that work for you?

Jeff

**Jeffrey Wakefield**

Member

**Flaherty**

304.347.4231

On Mar 26, 2020, at  
6:05 PM, Andrew L.  
Ellis  
<[Andrew.L.Ellis@wvago.gov](mailto:Andrew.L.Ellis@wvago.gov)>  
wrote:

Jeff:

I hope you are doing well. Following up on the voicemail I left you yesterday at approximately 2:40 p.m., the function of this correspondence is to apprise you that our Office is representing PEIA with respect to the above-referenced Subpoenas, and that it is not possible for PEIA to provide deposition testimony or the documents requested within the extremely short timeframe set forth in the Subpoenas. In addition, PEIA has multiple objections

to the  
aforementioned  
discovery requests.

I anticipate that we  
will file a Motion to  
Quash on behalf of  
PEIA unless we hear  
from you and can  
reach a mutually  
agreeable solution to  
the issues set forth  
above.

Should you have any  
questions, please  
feel free to call me.

Thanks,

Drew

Andrew L. Ellis  
Assistant Attorney  
General  
Office of the  
Attorney General  
State Capitol  
Complex  
Building 1, Room  
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Virginia 25305  
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Thank you for your cooperation.